

REMARKS

In the Office Action, the Examiner objected to the specification and rejected claims 1-30. By this paper, Applicants have amended the specification and provided the following remarks. In view of the amendments and the following remarks, Applicants respectfully request reconsideration and allowance of claims 1-30.

Objection to the Specification

In the Office Action, the Examiner objected to the specification because “[t]he specification is confusing because it recites an ‘undedicated public network as an internet network’ ... and then recites a ‘public network as a intranet network’.” Office Action, page 2, lines 3-7. Although Applicants do not believe this language from the specification to be confusing, Applicants have amended the specification, as outlined above, to recite an “undedicated public network” on page 2, paragraph 24. In view of this amendment, Applicants respectfully request that the Examiner withdraw the objection to the specification.

Claim Rejection under 35 U.S.C. § 102

In the Office Action, the Examiner rejected claims 1-7, 10, 12-16 and 22-30 under 35 U.S.C. § 102(e) as anticipated by Chang et al. (U.S. Patent No. 6,487,406, hereafter referred to as “the Chang reference”). Applicants respectfully traverse this rejection.

Legal Precedent

Anticipation under Section 102 can be found only if a single reference shows exactly what is claimed. *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 227 U.S.P.Q. 773 (Fed. Cir. 1985). For a prior art reference to anticipate under Section 102, every element of the claimed invention must be identically shown in a single reference. *In re Bond*, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). To maintain a proper rejection under Section 102, a single reference must teach each and every limitation of the rejected claim. *Atlas Powder v. E.I. du Pont*, 750 F.2d 1569 (Fed. Cir. 1984). The prior art reference also must show the *identical* invention “*in as complete detail as contained in the ... claim*” to support a *prima facie* case of anticipation. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989) (emphasis added). Accordingly, the Applicants need only point to a single element not found in the cited reference to demonstrate that the cited reference fails to anticipate the claimed subject matter.

Deficiencies of the Rejection

Applicants respectfully assert that several features of the pending claims are not disclosed by the Chang reference. For example, independent claim 1 recites a “transceiver unit ... adapted to communicate *over an undedicated public network*” and “an access network unit adapted to communicate *with the ... transceiver unit over the public network.*” (Emphasis added). Independent claim 15 recites “a communication interface to facilitate communication between the access network unit and at least one

transceiver unit *over an undedicated public network.*” (Emphasis added). Independent claim 28 recites a method comprising “*communicating information over an undedicated public network* between at least one transceiver unit ... and an access network unit.” (Emphasis added).

In sharp contrast, the Chang reference merely discloses a conventional wireless telephone network. *See*, col. 4, lines 1-19. More specifically, as illustrated in Fig. 2, the communication between the base station (“BS”) 16 and the base station controller (“BSC”) 14 is over a conventional, dedicated, non-public network. *See* Fig. 2; *see also*, col. 4, lines 1-19. In fact, the internet 34 is the only public network disclosed in the Chang reference, and it has absolutely nothing to do with the communication between the base station 16 and the base station controller 14. *See id.* It is merely used by the gateway router 34 to access a remote data host 36. *See id.* For this reason alone, the Chang reference cannot anticipate the above-recited features of independent claims 1, 15, and 28. Consequently, Applicants respectfully request that the Examiner withdraw the Section 102 rejection against independent claims 1, 15, and 28, as well as the claims that depend therefrom.

Claim Rejections under 35 U.S.C. § 103(a)

The Examiner rejected claims 8, 9, and 11 as unpatentable under 35 U.S.C. § 103(a) over the Chang reference in view of Yuhara et al. (U.S. Publication No. 2004/0192189, hereafter referred to as “the Yuhara reference”); rejected claims 17, 18,

and 21 as unpatentable over the Chang reference in view of Bao et al. (U.S. Publication No. 2004/0196826, hereafter referred to as “the Bao reference”); rejected claim 19 as unpatentable over the Chang reference in view of Zhigang (U.S. Publication No. 2005/0014489, hereafter referred to as “the Zhigang reference”); and rejected claim 20 as unpatentable over the Chang reference in view of Ahmed et al. (U.S. Publication No. 2003/0174688, hereafter referred to as “the Ahmed reference”).

Claims 8, 9, and 11

As stated above, the Examiner rejected claims 8, 9, and 11 as being unpatentable over the Chang reference in view of the Yuhara reference. Applicants respectfully submit that claims 8, 9, and 11 are allowable based on their dependencies on claim 1, because the Yuhara reference does not cure the deficiencies described above with regard to the Chang reference. For at least this reason, claims 8, 9, and 11 are believed to be allowable over the cited references taken alone or in conjunction with each other. Thus, Applicants respectfully request withdrawal of the rejection of claims 8, 9, and 11.

Claims 17, 18, and 21

As stated above, the Examiner rejected claims 17, 18, and 21 as being unpatentable over the Chang reference in view of the Bao reference. Applicants respectfully submit that claims 17, 18, and 21 are allowable based on their dependencies on claim 15, because the Bao reference does not cure the deficiencies described above with regard to the Chang reference. For at least this reason, claims 17, 18, and 21 are

believed to be allowable over the cited references taken alone or in conjunction with each other. As such, Applicants respectfully request withdrawal of the rejection of claims 17, 18, and 21.

Claim 19

As stated above, the Examiner rejected claim 19 as being unpatentable over the Chang reference in view of the Zhigang reference. Applicants respectfully submit that claim 19 is allowable based on its dependencies on claim 15, because the Zhigang reference does not cure the deficiencies described above with regard to the Chang reference. For at least this reason, claim 19 is believed to be allowable over the cited references taken alone or in conjunction with each other. Thus, Applicants respectfully request withdrawal of the rejection of claim 19.

Claim 20

As stated above, the Examiner rejected claim 20 as being unpatentable over the Chang reference in view of the Ahmed reference. Applicants respectfully submit that claim 20 is allowable based on its dependencies on claim 15, because the Ahmed reference does not cure the deficiencies described above with regard to the Chang reference. For at least this reason, claim 20 is believed to be allowable over the cited references taken alone or in conjunction with each other. Thus, Applicants respectfully request withdrawal of the rejection of claim 20.

Conclusion

Applicants respectfully submit that all pending claims should be in condition for allowance. However, if the Examiner wishes to resolve any other issues by way of a telephone conference, the Examiner is kindly invited to contact the undersigned attorney at the telephone number indicated below.

Respectfully submitted,

Date: October 27, 2005

A handwritten signature in dark ink, appearing to read "David M. Hoffman", is written over a horizontal line.

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